VOL. LXXX.-NO. 6.

NEW YORK, FRIDAY, SEPTEMBER 6, 1912. - Copyright, 1912, by the Sun Printing and Publishing Association.

## WALDO'S ACTION MAY CLEAR HAYES

statement Wipes Out Charges.

McKAY STILL TO SIT

Hinted That His Retention as Judge Is Scheme for More Delay.

NEW ROSENTHAL WITNESS

Woman Said to Have Seen Gunmen Fire the Shots That Killed Gambler.

It is very probable that Commissioner Waldo's action in reinstating ex-Inspec-Cornelius G. Hayes for the purpose oth of the Hayes-Whitman conference printed yesterday morning will bring the Hayes trial to an unexpected end. Justice Goff is said to agree with the pinion expressed by many lawyers of randing that Commissioner Waldo has given Hayes ground for asking the dismissal of the charges against him, and was said that if there was a Grand ury sitting at the present time Justice Goff would subpæna Hayes's superiors

is contended by lawyers that this reinstatement of Hayes automatically clears him of all charges and that he cannot be tried on the charge of

ise wiped out the charges against | children. Hayes from the Police Department trial calendar and that he cannot be put in eopardy twice.

#### Hold That Haves Is Now Cleared. They say there are decisions of the

f Appeals bearing on this situaion and that they uphold this view. This action on Commissioner Waldo's part is believed to have put ex-Inspecr Hayes in a stronger position than has occupied since charges were bught against him several weeks ago. is now able, think the lawyers, to augh at Commissioner Waldo's efforts o try him.

hatever the source of the story of he Hayes-Whitman conference, which Hayes denied yesterday, it is thought by wyers to have placed Hayes in a posttwo of great strength. The reinstatewas the cause of much excited nversation in all circles where police irs are of peculiar interest.

at in the Haves case will lead to an onment of the charges against It is thought that his lawyer nas D. Thacher, will be quick to advantage given him and make mpossible for Commissioner Waldo occed with the prosecution,

Notwithstanding the Appellate Dision rulings in cases similar to the rary reinstatement of Hayes yesv. it was said by authorities on procedure that the Hayes reinment does not wipe out the charges nst him of making a false state-

#### Seek New Witness in Troy.

nformation was received from abroad resterday which led to an Assistant Dis-Attorney being sent to Troy, N. Y. the purpose of finding a new witness shooting of Rosenthal. This man said to be a prominent Elk. who was he Elks Club at the time of the mur

was also said that another entirely witness had been found in a woman was at the scene of the shooting can identify many of the men who fact that this woman saw the ac

murder of Rosenthal came to light through efforts of the Salvation Army army learned some time after the shooting that the woman in Question could give valuable evidence " the people

This information was promptly sup piled to the prosecution and Mr. Whit man's successful efforts to get in touch ith her resulted.

As soon as she returns to this city er testimony will be taken in detail. As a result of the turning up of these vitnesses, both of whom can supply evithe prosecution by the departure of other witnesses, the District Attorney showed much satisfaction yesterda; ter the condition of both the murder case and the graft case.

was said at the District Attorney's fice last night that never since Rosenhal was killed was the case against ker and the others indicted for the ier so strong.

eutenant-Detective Delaney. have been a witness in the John graft inquiry before Justice Goff, d on July 23 for a vacation in Eu He had leave of absence that will nate, it is said, in time to bring sack some time in October, when silmony will be taken. s said to be an important

and to know much about police

trial of ex-Inspector Cornelius ics on the charge of having made statement to Commiss will be resumed at Police Headis at 10 o'clock this morning. was said at Commissioner Waldo's esterday that First Deputy Com-McKay will be sitting as tria sioner this morning despite the

against McKay made by D. Thacher, Hayes's counsel first hearing because of McKay's been subpornaed as a witness

deposed inspector.

Waldo said yesterday evening Continued on Fourth Page.

WILLS 18 HOUSES TO TENANTS. Death of Landlord Reveals Remarkable Philanthropy.

PHILADELPHIA, Sept. 5 .- William Hawins, a wealthy leather goods manufacturer, who died in 1910 at the age 98 years, surprised eighteen Germantown families by bequeathing to them the houses in which they live and Lawyers Agree That Rein- for which for years they paid rent to Mr. Hawkins

> Although Mr. Hawkins has been dead for two years his will was not offered for probate until this morning, when the mystery regarding the houses was For two years the tenants of the eighteen houses have been sendng their rent regularly to the agent of the dead manufacturer, only to have it returned by mail with a note saying Is Served With Surrogate's no rent was due.

The eighteen houses are valued at about \$4,000 each. All of them were subect to ground rent, but a few days before the death of Mr. Hawkins he paid this off, had the degds executed, leaving the beneficiaries with clear titles.

Mr. Hawkins also bequeathed \$30,000 o the American Baptist Publication Soclety and ordered the cancellation of a mortgage for \$10,000 held by him on the property of the New Britain Baptist Church.

One of Mr. Hawkins's hobbles was to ferret out isolated persons in need of assistance and rendering it without letting any person know the identity of

From Family as Boy, Told Story at Dinner and Was Recognized CINCINNATI, Sept. 5 .- "Gold, this is our brother speaking."

These words over the long distance telephone from New York were the first Mrs. Gold Kassel, 872 Rockdale avenue, Avondale, a Cincinnati suburb, had heard from her brother in thirty years.

To-day Mrs. Kassel, who is the wife of a clothing designer; her sister, Mrs. to inquire into the causes for their ac- Lena Beller of Kinney avenue, and their mother are on their way to Peekskill, the proper time. where the brother is the guest of another sister.

It was in 1882 that a Hungarian of Waldo has inadvertently or husband months later with the other

From the day he wandered away al efforts failed to locate the Newstedt But the Hungarian boy made his way to Minnesota, where he entered the home of a family named Farmer.

At 21 he was supervisor of all the schools in Minnesota; later he became Prof. E. N. Farmer of the University of Minnesota. Now he is with the New York State Board of Education in an expert capacity.

Prof. Farmer told his story at a banquet in New York last week and one of his hearers declared his belief that Mrs. Max Silverstein of Peekskill was his sister. Long distance telephone messages proved the surmise true.

That night he stepped to the long distance telephone in Peekskill and talked with his sister in Cincinnati. There will be a family reunion in Cincinnati on Thanksgiving Day

#### PRAYED AS SHE BURNED. Sister Stands in Supplication Clothing Aflame.

With her arms extended upward in supplication Sister Stephenia of the St. Joseph Roman Catholic Convent in Bayonne stood yesterday forenoon in yard of the convent with he

clothing in flames and slowly burned to death before assistance came to her. The sister was preparing the noonday meal when the gas stove set fire to her clothing. Rushing into the back yard that affidavits of Gibson saying that the the flames enveloped her from head to street saw her and their screams atwas passing.

Before he had covered half the inter uplifted hands. As he reached her side she fell forward unconscious. Others summoned aid while he smothered the flames with a rug

Under the ministrations of the doc tor Sister Stephenia recovered sciousness thirty minutes later. She died two hours later.

#### HER WEDDING A FUNERAL.

Dr. Newton Sails From Manila, Not Knowing Fiancee Was Drowned. WASHINGTON, Sept. 5 .- While preparations were going on at her home for funeral of Miss Annice Nixon, held here o-day, a cablegram was received from her flance, announcing his sailing from Manila yesterday and speaking of plans for their wedding, expected to take place this fall. Dr. Philip Newton, son f Major John Newton, Sixteenth Infantry, U. S. A., is now on his way across the Pacific, ignorant of the fact that the girl he expects to marry is

Miss Nixon was drowned last Tuesday at a shore resort in endeavoring to save the life of her companion, Frank W. Wissman, with whom she had gone boating. Both Miss Nixon and Wiss man were drowned. An effort was made to inform Dr. Newton before he sailed from the Philippines, but it failed.

#### BATTLESHIPS SMASH TARGETS. First and Second Divisions Practic Under Difficulties.

NORFOLK, Va., Sept. 5 .- Twelve war hips, composing the first and second divisions of the Atlantic fleet, smashed half a dozen targets on the Southern drill grounds to-day. To-night the secand division is firing at targets towe by naval tugs at a range of 2,000 yards

The shooting to-day was done under difficulties, a brisk northeast wind kick ing up a high sea, but some good shots were made and additional targets ordered from the Norfolk navy yard. The naval tugs Patuxent and the Celtic are towing the targets. The day range varies from five to eight miles. morrow there will be rapid fire target

shooting. The battleship Nebraska joined th fleet to-day. The Missouri has been ordered to Philadelphia after she finishes target shooting to undergo repairs.

## SZABO INQUEST MAY BE REOPENED

Orange County Authorities Only Await New York Evidence.

GIBSON COMES BACK

Notice in Will Case at His Office.

WHITMAN AIDS AT WORK threatened to shoot any negro that

Woman Produced as Mother of Drowned Client Said to Be in Brooklyn.

Public and private detectives, public TRAIN ROBBER GIVES BABY RING prosecutors of two counties, diplomatic representatives of foreign governments and their attorneys made significant getting from Hayes a denial of the FINDS SISTER AFTER 30 YEARS. progress yesterday in their investigation of the mysteries enveloping the conduct of Burton W. Gibson, the lawyer of 55 Liberty street, in the tragedy of Mrs. Rosa Menschik Szabo and in the disposition of her \$10,000 estate.

Gibson himself appeared at his office vesterday undismayed by an avalanche of newspaper men and unaffected when a lawyer told him why the Surrogate had been asked to remove him as executor. He said he would produce the mother at

District Attorney Thomas C. Rogers of th ename of Newstedt landed at Ellis Lake, where the woman was drowned Island with his son, aged 10. A few July 16, said last night that as soon as ber came to a poorly dressed woman and Vivian, and Phoenix. Ingraham having made a false statement to Commissioner Waldo.

They take the position that Commissioner Waldo, bas in the position that Commissioner Waldo, bas in

May Reopen Inquest.

The step to be taken undoubtedly will be a reopening of the inquest by Coroner S. B. Heaton, who originally brought a verdict of accidental drowning.

In this connection the name of the woman who saw the tragedy became known yesterday. She is Mrs. Hiley Brooks of Paterson, N. J. Surrogate Fowler yesterday signed the

order which directs Gibson to show cause why the letters testamentary in the estate of Mrs. Szabo issued to him on August 3 shall not be revealed. The order is returnable on September 17. It was announced last night that the

detectives for the consulate had found in Brooklyn a woman who they believe appeared as Mrs. Petronella Menschik. turn to-day and will be taken to this

The theory of the petitioners in the case to have Gibson removed as executor is that this woman is not the mother of Mrs

Assistant District Attorneys Wasser vogel and Murphy, for Mr. Whitman, began an investigation into the evidence which supports the petition made to the Surrogate, the petition setting forth she extended her arms in prayer while woman died in New York county; that she left a mother. Mrs. Petronella Men foot. Women on the opposite of the schik, living in Chicago; that a paper filed tempt. was a waiver of citation sworn to by one who signed herself Mrs. Petronella Menschik, mother of the deceased; that Mrs. Szabo left no other releatives, brothvening space her strength failed and ers or sisters anywhere were false in that she sank slowly to her knees, still with Mrs. Szabodid not die in New York county her mother had been dead since February 1910, and left five brothers and three

#### Other Charges May Follow.

If this is established, according to the District Attorney's office, charges of perjury, subornation of perjury, forgery, conspiracy, as well as statutory violations of the law of estates, will follow.

Publication of the Szabo case also induced other persons to revive inquiry into other cases handled by Gibson, in which he had been questioned by the police. Not only were there persons to The Bronz will once again be taken up by der of Supreme Court Justice Bischo the police, but others wanted fresh inquiry ordered into the mystery of the disap-pearance of John Rice O'Neill, another Elizabeth Nichols, who divorced her hus Gibson client.

The police ran out these cases an dropped them. A similar fate resulted to investigations of the grievance com mittee of the Bar Association which was also said to have inquired into the pro fessional conduct of the man in severa cases. When the showdown came there was nothing upon which they could take

In the face of all these investigations Gibson himself returned, having reached his home at Rutherford, N. J., earlier in the day from his automobile trip and except for a careworn look and a redness about the eyes he was his usual self-

#### First Refuses to Talk.

Gibson had to brush through a group f waiting reporters as he made for his office on the eleventh floor of the building. "I will not say anything." he answered calmly to all questions.

Later he did talk just a little for pub lication and he also had a talk with Philip R. Strisik, who came from the office of Arpad A. Kremer, attorney for the Austro-Hungarian Consulate-General, to serve papers just signed by Surrogate Fowler To a reporter who caught the man in the hall Gibson said: "I haven't read yet what they have said about me."

Three or four questions were shot a him and he said: "Why, I just got back at midnight la night; I haven't had much sleep. Yes,

Continued on Fourth Page

#### LYNCH NEGRO, FEARING TROOPS. Eight Hundred Kill Captive Despite Pleas of Pastor and Judge. BLUEFIELD, W. Va., Sept. 6.-When

hey were informed that troops from the strike section along Paint Creek would be rushed to the scene by Gov. Glasscock, the 800 angry men, heavily armed, who stormed the Princeton jail yesterday and took Walter B. Johnson, a negro, accused of attacking a white girl, from his cell, and had since had him in their custody, lynched their

prisoner early to-day.

The negro was tied to a tree and while dying, his body was pierced by hundreds of shots.

An armistice of eighteen hours had been proclaimed between the mob and the authorities, but when the information was received that troops would be sent to rescue the negro the mob, reenforced by 300 men from the city, immediately lynched their captive Princeton is in a state of terror. Members of the mob, heavily armed, have

are fleeing to the mountains. Several have been reported wounded. Prior to the lynching the Rev. Mr Hamilton and Judge Frank Maynard has handled trust funds left for the made stirring talks, but the mob turned three Conkling children. Muriel. 15 a deaf ear to their pleadings.

leaves his home. The negro residents

### But Kind Hearted Bandit Take

\$1,000 From Passenger. SALINA, Kan., Sept. 5 .- A lone and kindhearted bandit robbed the conductor, a newsboy and a score or more of passengers on the Missouri Pacific pas- gate not only cut down the allowance to senger train No. 1 early this morning the daughters to \$10,000 but charged and escaped in the darkness with about \$1,000 cash booty. The robber boarded the train at Osage City, Kan., shortly after midnight this morning and took a

seat in the smoking car. When the conductor came after his ticket the robber flashed a gun, took the conductor's gold watch and small change and locked him in a compartment. newsboy was the next victim. After him to hold a sack while he took money

the chair car. a bell cord. The train was backed to the special guardians. Osage City, where the robbery was reported to the authorities.

#### SAVED DAD'S ROLL FROM BANDIT.

Roosevelt Leader's Son Hid It on Train and Faced Revolver.

ATLANTA, Sept. 5.-Quick wit dis- only \$1,023. played by a boy while looking into the Mr. Ingraham reported that the muzzle of a train bandit's revolver saved father received \$6,994 for Muriel, and

mass meeting here to-night. man for the Progressive party in reports, although stating that he be-Louisiana, and who led the fight to lieved that Mr. Conkling had really notary who took the woman's acknowl- which was held up by a lone bandit the vouchers to show it. edgment, was out of town. He will re- last night. He was accompanied by his nephew and two young sons. robber, revolver in hand, went from berth to berth in the sleepers arousing

the passengers and taking their money. Parker's roll was in a wallet in his shoved his father's coat under a seat pockets and fished out 75 cents.

"Here's all the money we've got," he told the bandit. The bandit took the change. He counted it over and then looked at the lads with a smile of con-

"Oh, well," he sneered, "keep the chicken feed." In the next car the engineer hit the of the infants should pay of the bandit over the head with a brass torch, presented each of the estates on this knocking him unconscious.

#### NICHOLS DISOBEYS ORDER? Allis-Chalmers Official Was Directed

COLORADO SPRINGS, Colo., Sept 5 .- Miss Marion Nichols, daughter of William Wallace Nichols, vice-president of the Allis-Chalmers Company, to-day left the Cliff House, Manitou, where she has been visiting her uncle, E. E. Nichols, to join her father in Chicago. He will take her to a boarding school at Kenosha Wis.

The despatch indicates that Mr. Nich express a hope that the Kinan case of ols has no intention of obeying the or in the habeas corpus proceedings brought by the girl's mother, Mrs. Mary band two years ago.

The order directs Mr. Nichols to bring his daughter to New York before to morrow noon and produce her at the office of Mrs. Nichols's attorney at that

#### SOMNAMBULIST FALLS 35 FEET. Fourth Story Window While Asleep. priation of trust funds."

Frank Berron, a plasterer, 28 years old, of 35 Havemeyer street, Williamsburg, was mortally injured yesterday when he stepped out of a fourth floor and Vivian \$3,000 each. Mr. Conkling window while asleep.

He had been subject to somnambi of stairs. His family afterward took \$15,000 to \$12,000 a year. In 1910 he at 3 A. M. yesterday and opened a rear window unobserved

He fell about thirty-five feet, sus was taken to the Williamsburg Hospital, where it was said he would prob ably die.

#### GOOD SLEDDING IN NEVADA.

Ranges Near Carson City.

CARSON CITY, Nev., Sept. 5. - Several nches of snow fell on the ranges west of here to-day. This is the earliest autumn enowfall recorded in this State in twenty-five years.

## A. R. CONKLING BLAMED FOR USE OF TRUST FUND

Surrogate Refuses to Give Him All of \$20,000 Income of His Daughters.

MAY HAVE \$10,000 ONLY Shakespearian Scholar's Relatives

Special Guardian Says Girls' Money Paid Coal and Other House Bills.

Ex-Assemblyman Alfred R. Conkling, who was recently sued for a separation by his wife, Mrs. Ethel Johnson Conkling, and who then advertised that he would not be responsible for his wife's debts, is censured in a report confirmed yesterday by Surrogate Fowler for the manner in which he years old; Olga, 13, and Vivian, 9.

Although Mr. Conkling told the Sur rogaté that his own income is insufficlent for him to contribute longer to the support of his children, and for that reason asked that \$20,000, the entire income from the trust fund for his daughters, be paid to him, the Surro-Mr. Conkilng with about \$14,000 which he alleged he had spent for the benefit of the children from their income but concerning the use of which the Surrogate ruled there was insufficient proof.

The Conkling children receive the income from practically the entire estate of George Lorillard Ronalds, who died two years ago at Tuxedo, and their taking the Loy's money the robber forced father is their general guardian. When he applied recently to have the amount Orange county, in which is Greenwood and valuables from the passengers of previously allowed from the trust fund While going through the car the rob- ery C. Weller special guardian for Olga from the sack, said: "This is for the make any recommendation they thought No one claimed the plain gold advisable on his application. The Surring after the robber left. A porter in rogate then appointed Wilbur Larre-another car saw the robber and pulled more referee to consider the reports of

Mr. Weller's report showed that during the period covered by the accounting Mr. Conkling received \$6,892 for Olga and spent all but \$102 of that amount. Mr. Weller approved only \$810 of that expenditure. Mr. Conkling got \$6,943 for Vivian and spent all but \$67, but the special guardian approved

John M. Parker, the virtual Roosevelt spent all but \$187, and he allowed \$2,024. leader of the South, from coming into The balance must be made up by the Atlanta "stone broke" for the Roosevelt father of the children out of his own funds Parker, who is National Committee- Referee Larremore approved these

the mother. There was no positive iden- eliminate the negroes at Chicago, was spent more for his children than he tification, because Donald Lyons, the on the Lousiville and Nashville train could prove, but he failed to produce The ture for Vivian. Mr. Weller said that the general guardian admitted that he

of the children from their individual As the bandit approached the vided them among the three children, Parker berth young John Parker and charged them an equal amount. He said that Mr. Conkling bought a dress Pacific coast of this country and walked after putting the other boys' money in for the oldest daughter, had it cut down across the continent. it. Then he rummaged through his own for the next one when the oldest had outgrown it, and finally passed it on to Vivian, the youngest. For this reason Mr. Weller said that

"it is equitable to charge Vivian for one-third of the clothing bills, as she never got the benefit therefrom. would take a special panel of jurors to determine what percentage, if any, each accounting.

He said that Mr. Conkling had admitted that he ran short of his own funds and paid grocery and butcher bills from the estates of the children Neither Mr. Conkling nor his wife was able to testify that items such as the drygoods bills were for the children against whom they were charged, Mr. Weller said. He remarked that they were charged with coal, ice, electricity telephones, cottage rent and household expenses, and said:

"It is absolutely ludicrous to charge the infants' estate with the maintenance of the household and grounds of the general guardian. Who is able state what proportionate share, if any each of the infants should bear toward the maintenance of the household? It would be necessary for the general guardian to produce experts to testify to the value of the appetite of each infant and also as to the temperament

of the various infants. "The action of the general guardian in providing clothing for his wife, furni ture and bric-a-brac for the house and Christmas presents of the size and calibre charged against the estates is wholly without foundation in law or Were the character of equity. general guardian other than it is the payments might be deemed misappro-

In approving the reports Referee Larremore recommended that Muriel have \$4,000 a year for her support and Olga opposed this allowance, and said that his personal income had been reduced lism, and last winter fell down a flight in the last two or three years from extra precautions to protect him, but over \$4,000 more than the incomes of the he got out of bed without being heard children and himself and last year made a total expenditure of \$27,000. His income this year will be \$10,000, and he estimated that the expense of aining a fracture of the skull and left the family will be \$30,000, so he asked thigh, as well as internal injuries. He for the total income of \$20,000 due the children. The Surrogate refused his request.

Mr. Conkling said in his petition: "It is distasteful to your petitioner to set it forth here, but it is a fact that your petitioner would have had to very materially change the manner in which he maintained the children and their mother had they not received this inheritance. The expenditure of all the ncome is not likely to lead to the acquiring of tastes they cannot satisfy, have been placed, but they have been and thus be a detriment rather than a unable to ascertain who tears down the

#### SPINSTERS IN MINORITY.

Married Women Delegates Numbe 119, Single 71.

STRACUSE, Sept. 5 .- There are more matrons than spinsters in the list of women delegates and alternates to the Progressive State convention.
The count stands 119 married to 71

unattached. They hall from twenty-nine counties.

#### REFUSE FURNESS'S BRAIN.

Deny Bequest to Spitzka.

PHILADELPHIA, Sept. 5 .- With the sudden return to this city of Dr. Edwin Anthony Spitzka, director of the Baugh Institute of Anatomy, to dissect the body of Dr. W J McGee, the anthropologist, it was learned that the brain of Dr. Horace Howard Furness, the Shakespearian scholar, had also been bequeathed to Dr. Spitzka.

Due to objections on the part of the family he never received the brain and an opportunity to study the delicate thinking machine of one of the world's greatest literary men was lost.

Dr. Spitzka knew Dr. Furness personally, and during the latter's lifetime he told Dr. Spitzka that at his death he would bequeath his brain for scientifi-

#### HAMILTON CLUB BARS POLITICS Biggest Republican Organization West Fears Disruption.

CHICAGO, Sept. 5 .-- For the first time its history the Hamilton Club of Chicago, the largest Republican club in the West, will take no part in the Presidenial campaign.

So many of its members have joined the Progressive party that the subject of Presidential politics has been barred club gatherings ever since the Republican convention. It is feared that if the issue were raised the club would be disrupted. In 1908 the Republican campaign in

MRS. LUTHER KOUNTZE HURT.

Home in Newport. NEWPORT, R. I., Sept. 5 .- Mrs. Luther Kountze of New York, mother of Mrs. Gordon Douglas, is suffering from a

of surgeons.

Mrs. Kountze received her injury of Kings. through a fall at Mrs. Gordon Douglas's home on Wednesday evening. She was passing through the hall, about to go out to a dinner given by Mrs. Richard T. Wilson, when she slipped and fell.

leave Newport for some time GIRL WALKED 15,000 MILES.

From Holland Three Years Ago. PHILADELPHIA, Sept. 5 .- Miss Dora troller Prendergast's nomination. Rodrigues, a nineteen-year-old girl from country in America and Europe. had made no attempt to pay the bills Amsterdam and lived with an aunt in Edinburgh, Scotland, until three and a estates, but bought goods in a lump, di- half years ago, when she decided to see the world afoot. She first walked through Europe and then landed on the

#### HADLEY WILL FIGHT T. R.

Rejected Missourian

Plea as to Progressive Ticket. JEFFERSON CITY, Mo., Sept. 5.—Gov. Herbert S. Hadley a Roosevelt lieu-tenant at the Republican convention n Chicago, to-day made public a letter he wrote to the Colonel when the later was in St. Louis this week. The Governor begged Roosevelt to save the State from a Democratic landslide by indorsing the State Republican ticket and not put out a Progressive State This advice was rejected by ticket. Roosevelt. Hadley says all the Re publican State officers are favorable to Roosevelt, but will be compelled to fight him "if a State ticket is put out," which was done.

#### SICKLES'S SALE POSTPONED.

ed That the Old General's Relic

May Be Spared After All. The sale to have been held yesterday of the personal effects of Daniel E. Sickles to satisfy a judgment for \$8,000 obtained against him by the Lincoln Trust Company was adjourned by consent of counsel to Sheriff Harburger until to-day. argument on the motion by Gen. Sickles to have the sale conducted under the supervision of an expert, if it is at all, was also adjourned by Justice

Newburger until to-day. Counsel for Gen. Sickles said that an effort was being made to have the judgunnecessary. Sheriff Harburger said he was show

ng every consideration to Gen. Sickles not only because of his war record, but because he was Sheriff of this county twenty years ago.

#### CHURCH TORN DOWN AT NIGHT.

Christian Scientists Try to Build

PHILADELPHIA, Sept. 5 .- Religion is naving a hard time in West Philadelphia. For several weeks the members Catholic Cathedral had informed exof the Church of Christ have been Representative W. Bourke Cockran that recting an edifice at Fifty-first and Mr. Prendergast's nomination for Gov-Vine streets.

has been finished and the walls are up to the top of the first story. There they have remaine Each day and evening the men and

women have been piling brick upon brick, only to find that all their work disappeared during the night. Watchers walls or why they are torn down.

# PRENDERGAST MAY

PRICE TWO CENTS.

His Ultimatum to Hotchkiss Forces Chairman's

BITTER ROW ALL DAY

Cardinal Farley's Name Used in Talk of Opposition to Comptroller.

DELEGATES HAVE LINED UP

Brooklyn Men Say Charities Controversy Was Settled Last May.

STRACUSE, N. Y., Sept. 5 .- After fighting all day over the nomination for Governor Comptroller William A. Prendergast sent an ultimatum to-night to Chairman William H. Hotchkiss that he must state positively his position whether he was a candidate or not.

Mr. Hotchkiss replied by announcing that his name would not be presented to the convention. The cards on the delegates' coats reading "Our next Governor, William H. Hotchkiss," immediately

disappeared. When Mr. Prendergast sent his ultimatum to Mr. Hotchkiss it was known that the delegates from Ulster, Essex. Clinton, Cattaraugus, Chautauqua, Erie. the West was opened with a record breaking rally at the Collseum held by Livingston, Monroe, many Assembly districts in New York county. Rockland, Steuben, Schuyler and Jefferson had already announced informally that they would support Prendergast. Breaks Hip in Fall at Daughter's

Senator Davenport and several New York Assembly districts may stand by Bainbroken hip at the summer home of her bridge Colby. The majority opinion is daughter here. She is under the care that the leaders of the ticket will be: For Governor-William A. Prendergast

Putnam county will present the name of

Hamilton Fish. Oneida will name ex-

For Lieutenant-Governor-Herbert E. Cook (Dem.) of St. Lawrence. For Associate Judges of the Court of Appeals-Dean George W. Kirchwey of It was seen at once that she had been New York and Dean Carlos Calden of seriously injured and physicians were

called. Mrs. Kountze will be unable to Buffalo George W. Perkins arrived to-day. and as a delegate is to participate in the convention. He did not care to state his position on the Governorship, although many delegates with Dismond Dealer's Daughter Started whom he talked left him with the impression that he was opposed to Comp-

W. Bourke Cockran, it is understood, Amsterdam, Holland, arrived in this city favors the nomination of a Democrat to-day after completing a walk of 15,000 for Governor, but it is not the policy place on their ticket to any but a former Republican. Mr. Hotchkiss had insisted that a majority of the delegates, including all the

women delegates, desire his nomination

for Governor. Mr. Hotchkiss made

these statements to Comptroller Pren-

dergast, Timothy L. Woodruff, Isaac L Hunt of Jefferson county and many others. Mr. Woodruff protested that Mr. Hotchkiss must not be a candidate for Governor inasmuch as he as State chairman would occupy a similar position to that of Gov. Odell in 1904. It nas always been contended that Odell's seizure of the chairmanship of the Republican State committee was the final cause of his downfall. Mr. Woodruff maintains that Mr. Hotchkiss's seizure of the Gubernatorial nomination in this convention would bring about

his own defeat, accompanied by unmerciful criticisms from the old guard Republican leaders and newspapers. Mr. Hotchkiss, replying to Mr. Woodruff, stated that his present position is not analogous to that of Gov. Odeil because his personal motives cannot be impugned. Mr. Hotchkiss insisted that the farmers of the State knowing him to be a disciple, in fact the chief disciple

of Gov. Hughes, demanded his nomination. Frendergast reiterated to Mr. Hotchkiss to-day what he has so often said from the start, that he would not ift his little finger to bring about his own nomination, but that he must be chosen unanimously by the convention or not at all. The personal differences growing out of the introduction of religious lines into this controversy were then gone over by Mr. Prendergast and Mr. Hotchkiss. Mr. Hotchkiss said to Mr. Prendergast that he was opposed in this convention for the Gubernatorial nomination because of his attitude as Comptroller of New York city

ceived aid from the public funds. Mr. Prendergast produced letters from Cardinal Farley which showed hat the Cardinal was agreeable to the appointment of a committee, suggested by Comptroller Prendergest, by which these differences were adjusted satisfactorily. While for a year or more it has been known that Comptroller Prendergast's administration concerning these charities was not agreeable to the Catholic authorities, it had not been publicly known that these differ-

oward the Catholic charities which re-

ences had been agreeably adjusted. The story which was in circulation here among Mr. Hotchkiss's friends was in effect that Mgr. Lavelle of the ernor here would not be agreeable to They have been working in shifts, the the Catholic authorities. Mr. Cockran women during the day time and the with his accustomed vigorous uttermen in the evening. The basement ances fletly denied to-day that story. ances flatly denied to-day that story.

Nevertheless Mr. Hotchkiss persisted in stating to Mr. Prendergast that Catholic clergymen, down State and up State, were opposed to his nomination for Governor, and that their opposition was dictated by the Comptroller's attitude toward the Catholic charities. Mr. Prendergast, replying to that, was quite ready to admit its truth, but he stated that these Catholic

## HEAD THE TICKET Withdrawal.